

REMARKS

Claims 1-4 and 6-9 were pending in the application. Claims 1, 3, and 4 have been amended. Claims 8-9 have been cancelled without prejudice or disclaimer. No claims have been added. Therefore, claims 1-4 and 6-7 remain pending and are resubmitted for consideration.

Claims 1, 3, and 4 have been amended to correct minor typographical errors.

Claims 8 and 9 have been cancelled. Thus, the objection to the drawings and the rejection under 35 U.S.C. § 112, second paragraph are now moot.

Provisional Double Patenting

Claim 1 is provisionally rejected as being unpatentable over claims 1, 5, 6, and 10-12 of co-pending U.S. Patent Application No. 10/873,129. No action is required until either the current application or co-pending U.S. Patent Application No. 10/873,129 is allowed.

35 U.S.C. § 103 Rejection

Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,667,980 ("Yamamoto") in view of U.S. Patent No. 4,667,980 ("Aoki"). The rejection should be withdrawn at least because the references, taken together or separately, fail to disclose, teach or suggest the claimed recitations.

Claim 1 calls for a seat belt device that comprises, among other things, "a hitch member [that] is attached to either one of said vehicle seat fixed to the vehicle body or said seat weight sensor fixed to the vehicle body, the hitch member being immovable." Claim 4 calls for a seat belt device that comprises, among other things, a hitch member that "comprises an immovable slide bar." Yamamoto and Aoki, taken together or separately, fail to disclose, teach, or suggest such a seat belt device as called for by claims 1 and 4.

According to the Examiner, Yamamoto discloses an immovable hitch member (40). The Examiner contends that the hitch member of Yamamoto is "immovable" since the hitch

member is immovably attached to the seat and is immovable with respect to the seat. *See* Office Action at pp. 5 and 7.

However, element 40 refers to a guide rail. The guide rail (40), “is made movable on a slide base 80 by a bracket 78.” Yamamoto at col. 3, lines 7-14. Figure 5 of Yamamoto illustrates the guide rail (40) moving. Furthermore, the term “immovable” has been defined as being “impossible to move” and “incapable of movement.” The American Heritage® Dictionary of the English Language: Fourth Edition (2000). Thus, if the guide rail (40) of Yamamoto is capable of movement with the seat, then the guide rail cannot be “immovable.” Aoki fails to cure the deficiencies of Yamamoto. Thus, the rejection is improper. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 6, and 7 depend from claim 1 or claim 4 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Conclusion


Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By  _____

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